

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

CUMBERLAND COUNTY 2019 JUL 29 A 9 57

19 CVS 3742

ANTHONY THOMPSON CUMBERLAND CO., C.S.C.

Plaintiff,

BY _____

v.

BALFOUR BEATTY INFRASTRUCTURE,
INC.; BALFOUR BEATTY
CONSTRUCTION, LLC; BALFOUR
BEATTY EQUIPMENT, LLC; BALFOUR
ENTERPRISES, INC.; BRANDSAFWAY
SERVICES, LLC; SAFWAY GROUP
HOLDINGS, LLC; BRANDSAFWAY, LLC;
BRANDSAFWAY INDUSTRIES, LLC;
BRANDSAFWAY SOLUTIONS, LLC;
SAFWAY, LLC; THYSSENKRUPP
SAFWAY, INC.; and SAFWAY TRANSFER
AND STORAGE, INC.,

Defendants.

**NOTICE OF FILING OF
NOTICE OF REMOVAL**

NOTICE IS HEREBY GIVEN that on the 26th day of July, 2019, Defendants BrandSafway Services, LLC; Safway Group Holdings, LLC; BrandSafway, LLC; BrandSafway Industries, LLC; BrandSafway Solutions, LLC; and Thyssenkrupp Safway, LLC filed in the United States District Court for the Eastern District of North Carolina, a Notice of Removal of this action to the United States District Court from the Superior Court of Cumberland County, North Carolina, pursuant to 28 U.S.C. § 1446. A true copy of that Notice of Removal is attached as Exhibit A. Accordingly, pursuant to 28 U.S.C. § 1446(d), this court shall proceed no further with this action unless and until the case is remanded.

This the 26th day of July, 2019.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
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Safway Group Holdings, LLC;
BrandSafway, LLC;
BrandSafway Industries, LLC;
BrandSafway Solutions, LLC; and
Thyssenkrupp Safway, LLC*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the attorney(s) shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney(s).

This the 26th day of July, 2019.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
BRIAN O. BEVERLY
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BrandSafway Industries, LLC;
BrandSafway Solutions, LLC; and
Thyssenkrupp Safway, LLC*

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Safway, LLC
c/o Bryan M. Pfohl, Registered Agent
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Raleigh, NC 27615-4947

Safway Transfer and Storage, Inc.
c/o Tommy Edd Johnson, Registered Agent
Rt. 4, Box 34a
Clyde, NC 28721

4762882/900169-003

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:19-cv-319

ANTHONY THOMPSON,

Plaintiff,

v.

BALFOUR BEATTY INFRASTRUCTURE,
INC.; BALFOUR BEATTY
CONSTRUCTION, LLC; BALFOUR
BEATTY EQUIPMENT, LLC; BALFOUR
ENTERPRISES, INC.; BRANDSAFWAY
SERVICES, LLC; SAFWAY GROUP
HOLDINGS, LLC; BRANDSAFWAY, LLC;
BRANDSAFWAY INDUSTRIES, LLC;
BRANDSAFWAY SOLUTIONS, LLC;
SAFWAY, LLC; THYSSENKRUPP
SAFWAY, INC.; and SAFWAY TRANSFER
AND STORAGE, INC.,

Defendants.

NOTICE OF REMOVAL

TO: The United States District Court
For the Eastern District of North Carolina
Western Division

Defendants BrandSafway Services, LLC; Safway Group Holdings, LLC; BrandSafway, LLC; BrandSafway Industries, LLC; BrandSafway Solutions, LLC; and Thyssenkrupp Safway, LLC, through their undersigned counsel, do hereby exercise their rights under the provisions of Title 28 U.S.C. § 1441 et seq., to remove this action from the General Court of Justice, Superior Court Division, Cumberland County, North Carolina, in which this cause is now pending as Case No. 19 CVS 3742. Said Defendants show unto the Court as follows:



1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to Title 28 U.S.C. § 1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the plaintiff on the one hand and the defendants on the other, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Under the provisions of 28 U.S.C. § 1441 et seq., the right exists to remove this cause from the General Court of Justice, Superior Court Division, Cumberland County, North Carolina, to the United States District Court for the Eastern District of North Carolina, which is the District where this action is pending.

3. In the Complaint, plaintiff asserts claims against said Defendants sounding in negligence, and seeks to recover compensatory damages allegedly arising out of all defendants' conduct.

4. Upon information and belief, plaintiff Anthony Thompson is a citizen and resident of Fayetteville, Cumberland County, North Carolina.

5. Defendant Balfour Beatty Infrastructure, Inc. is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Atlanta, GA.

6. Defendant Balfour Beatty Construction, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Dallas, TX.

7. Defendant Balfour Beatty Equipment, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Dallas, TX.

8. Defendant Balfour Enterprises, Inc. was administratively dissolved in 1994 and no longer exists.

9. Defendant BrandSafway Services, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Kennesaw, GA.

10. Defendant Safway Group Holdings, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Kennesaw, GA.

11. Defendant BrandSafway, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Kennesaw, GA.

12. Defendant BrandSafway Industries, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Logan Township, NJ.

13. Defendant BrandSafway Solutions, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Texas, with its principal place of business in La Porte, TX.

14. Defendant Safway, LLC is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware, with its principal place of business in Kennesaw, GA.

15. Defendant Thyssenkrupp Safway, Inc. is now, and was at the commencement of this action, a corporation organized under and by virtue of the laws of the State of Delaware with its principal place of business in Waukesha, WI.

16. Defendant Safway Transfer and Storage, Inc. was administratively dissolved in 1994 and no longer exists.

17. The date on or before which said Defendants are required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to plaintiff's Complaint has not lapsed.

18. In accordance with the requirements of Title 28 U.S.C. § 1446, said Defendants are filing herewith a copy of all process, pleadings, and orders served upon it in this action (filed contemporaneously as Exhibits A – Summons, and B - Complaint), and this Notice of Removal is being filed within thirty (30) days after the receipt by said Defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.

19. Service of this Notice of Removal is being made upon on all parties as required by law.

WHEREFORE, defendants BrandSafway Services, LLC; Safway Group Holdings, LLC; BrandSafway, LLC; BrandSafway Industries, LLC; BrandSafway Solutions, LLC and Thyssenkrupp Safway, LLC pray that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 26th day of July, 2019.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly

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BrandSafway, LLC;

BrandSafway Industries, LLC;

BrandSafway Solutions, LLC; and

Thyssenkrupp Safway, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing document was served upon the attorney(s) / party(ies) shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney(s) / party(ies).

This the 26th day of July, 2019.

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